

ORIGINAL
FILE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

In the Matter of)

Redevelopment of Spectrum to)
Encourage Innovation in the Use of)
New Telecommunications Technologies)

ET Docket 92-9
RM-7981, RM-8004

TO: The Commission

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COMMENTS OF AMERICAN PERSONAL COMMUNICATIONS
ON FURTHER NOTICE OF PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

American Personal Communications ("APC")^{1/} generally supports the proposals contained in the Further Notice of Proposed Rule Making in the above-captioned docket for reallocating several bands above 3 GHz for microwave use and modifying technical rules for the use of those bands, just as APC generally supported the proposals of the Utilities Telecommunications Council ("UTC") and Alcatel Network Systems, Inc. ("Alcatel") in their respective petitions for rule making.^{2/} To the extent that the Commission's proposals

^{1/} American PCS, L.P., d/b/a American Personal Communications.

^{2/} APC did not support Alcatel's proposal to downgrade 80 MHz allocated to the fixed satellite service in the 4 GHz band to secondary status. APC believes that the overall amount of additional spectrum above 3 GHz the Commission proposes to make available to microwave users even without adopting Alcatel's 4 GHz band proposal is more than sufficient to meet the needs of the microwave users that will relocate from the 2 GHz band. APC's experiments continue to demonstrate conclusively that spectrum sharing between PCS and incumbent microwave users in the 2 GHz band works and that only a relatively modest number of incumbents will be required to relocate -- provided that PCS licensees are given a broad enough allocation effectively to work around incumbent microwave users and protect them from interference. See APC,

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meet with the acceptance of the microwave community, especially as evidenced through the comments of the Telecommunications Industry Association Point-to-Point Communications Section, they should be adopted. APC files these limited comments to urge expedition and to suggest an NTIA/FCC coordination procedure.

* * *

The "transition period" during which incumbent fixed microwave users cannot be relocated involuntarily from the 2 GHz band will run from the completion date of this proceeding.^{3/} Accordingly, *the full inauguration of personal communications services ("PCS") in the United States hinges upon the speedy completion of this docket.* It is thus absolutely imperative that proceedings under the Further Notice be completed as quickly as possible.

The PCS industry will bring wireless telephony to tens of millions of Americans and will create hundreds of thousands of jobs.^{4/} PCS will save American consumers billions of dollars by providing competition in the mobile

Comments (Gen. Docket 90-314, Nov. 9, 1992).

^{3/} See Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies, First Report & Order and Third Notice of Proposed Rule Making, FCC 92-437, slip op. at 13-14 (ET Docket 92-9, Oct. 16, 1992).

^{4/} See Arthur D. Little, Inc., Filing to the Federal Communications Commission En Banc Hearing on Wireless Personal Communications 18 (Gen. Docket 90-314, Dec. 5, 1991) (a "market over ten years of 40-60 million potential subscribers is very likely").

telecommunications market and by increasing efficiency.^{5/} PCS will be implemented by our major industrial competitors during the coming year -- in the European Community and the Pacific Rim, spectrum allocation decisions have been made, incumbency issues have been resolved, and licenses are being issued.^{6/} In this country, the Commission has issued a major PCS Notice of Proposed Rule Making, has resolved certain important incumbency issues, and generally has made significant progress toward establishing a PCS industry. If the PCS industry is to realize its promise to our domestic economy in a timely fashion and if the United States is to take its rightful leadership position in a \$195 billion world market, delay in authorizing PCS as a new service must be avoided. This

^{5/} See Letter from Alfred C. Sikes, Chairman, FCC, to President George Bush, April 28, 1992, at 14 (regulatory review finding that PCS will save American consumers between \$2 billion and \$5 billion per year by providing competition to cellular telecommunications).

^{6/} In the twelve member states of the European Community, spectrum was allocated to PCS in 1991. In the United Kingdom, in particular, spectrum has been assigned to two PCN consortia and service will be instituted in 1993. In Germany, a PCS/digital cellular license will be granted in late 1992 and spectrum has been allocated for wireless local loop services in Berlin, Dresden and elsewhere. Spectrum has been allocated for PCS in France and other EC member states. In the United Kingdom and parts of Germany and France, CT-2 service is available now. In Japan, spectrum has been allocated for PCS with service to be inaugurated in early 1993; additional allocations of up to 500 MHz are planned. In Hong Kong and Singapore, spectrum has been allocated for PCS. In Japan, Hong Kong, Singapore, Malaysia, Thailand, and even parts of mainland China, CT-2 service either has been implemented or is expected to begin in coming months. In Canada, Australia and Brazil, spectrum has been allocated for CT-2/CT-3 services.

proceeding is the first building block toward the complete implementation of PCS, and it thus should be completed as expeditiously as possible.

* * *

The National Telecommunications and Information Administration ("NTIA") has released a study of the 1.71-1.85 GHz band in which it proposes to permit a limited number of displaced 2 GHz fixed microwave users that cannot operate at frequencies higher than 3 GHz for technical reasons to move to the 1.71-1.85 GHz band.^{7/} The Commission and NTIA should specify the procedures under which incumbent fixed microwave users from the 2 GHz band would have access to frequencies in the 1.71-1.85 GHz band. These procedures must permit requests for government spectrum to be answered with due dispatch, because national security consideration most likely will prevent NTIA from publishing a catalogue of available frequencies.

One possibility would be to require a party seeking access to government spectrum for microwave relocation to apply to NTIA through the designated FCC liaison representative to the Interdepartment Radio Advisory Committee ("IRAC").^{8/} Such applications should be treated on a

^{7/} See NTIA Report 92-286, Feasibility of Relocating Non-Government Fixed Systems Into the 1710-1850 MHz Band (U.S. Dep't of Commerce, August 12, 1992).

^{8/} IRAC is composed of representatives from federal executive agencies and an FCC liaison representative. It assists NTIA on spectrum management issues and coordinates


priority, expedited basis by IRAC. The FCC liaison representative to IRAC should be charged with reporting to the party requesting access to government spectrum whether that spectrum is available within a specified time period (we suggest 60 days). APC also suggests that microwave licensees that are relocated from frequencies allocated to unlicensed uses (such as Apple's Data-PCS proposal) receive first priority to spectrum in the 1.71-1.85 GHz band.

APC urges the Commission to resolve all the important technical matters presented by this docket as swiftly as possible.

Respectfully submitted,

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December 11, 1992

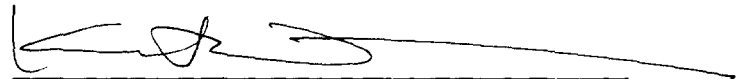
spectrum issues among government users and the Commission.
See 47 C.F.R. § 2.106 (1991); NTIA, Manual of Regulations and
Procedures for Federal Radio Frequency Management (1989).

CERTIFICATE OF SERVICE

I, Kurt A. Wimmer, hereby certify that a copy of the foregoing pleading has been sent by United States mail, postage prepaid and correctly addressed, to the following on this 11th day of December, 1992:

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A handwritten signature in black ink, appearing to read 'Kurt A. Wimmer', is written over a horizontal line.

Kurt A. Wimmer